



Serial No.: 09/586,510
Docket No.: 503775.008

Election
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Inventor(s) : Harry Leneau and William G. Skelly
Serial No. : 09/586,510
Filing Date : June 2, 2001
Title : METHODS OF MAKING AND USING
IMMUNOGLOBULIN (Ig) COMPOSITIONS

Group/Art Unit : 1644
Examiner : Ronald B. Schwadron

Docket No. : 503775.008

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

In response to the Office Action dated October 2, 2001, requiring an election of species, Applicant submits the following remarks:

REMARKS

Claims 1-20 remain pending in this application.

The Examiner required election of one of the species drawn to the routes of administration recited in claim 6-9. The Applicant hereby elects the species drawn to claim 9, namely, administration by intratracheal injection; claims 1-7, 9-12 are readable on the elected species. Applicant requests that if no generic claim is finally held allowable, prosecution on the

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231, on:

Date: November 1, 2001
Signature: [Signature]
Printed Name: Patricia Mott

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

merits would proceed with regard to the claims drawn to such species. Further, insofar as claims 1 and 2 are generic to the species drawn to the routes of administration recited in claims 6-9, Applicant requests that the remaining species remain in the case until such time as it is determined whether claim 2 is allowable. In such case that generic claim 1 or 2 is not allowable, Applicant requests that the remaining claims remain in the case for divisional filing purposes.

The Examiner also required an election of one of the species drawn to the methods which use one of the forms of Ig recited in claim 13. Applicant hereby elects species a), drawn to the method that uses IgG; claims 1, 2 and 13-16 read on the elected species. Applicant requests that if no generic claim is finally held allowable, prosecution on the merits would proceed with regard to the claims drawn to such species. Further, insofar as claims 1, 2 and 13 are generic to the species drawn to the methods using the remaining forms of Ig recited in claim 13, it is requested that the remaining species remain in the case until such time as it is determined whether claims 1, 2 and 13 are allowable. In such case that one of generic claims 1, 2 or 13 is not found allowable, Applicant requests that the remaining species remain in the case for divisional filing purposes.

Applicant's elections are made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

In view of the foregoing remarks, it is respectfully submitted that the claims are now in condition for examination on the merits. Such action is respectfully requested. Should the Examiner have any further questions or comments which need be addressed in order to obtain allowance, he is invited to contact the undersigned attorney at the number listed below.

Acknowledgement of receipt is respectfully requested.

Respectfully submitted,

By: 

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